UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _22 January 2008_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _12 and 14-23_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _12 and 14-23_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This non-final office action is in response to the RCE and amendment filed 22

January 2008.

2.   Claims 12 and 14-23 are pending. Claims 12, 17, and 18 are independent

claims.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 12 and 14-17 remain rejected under 35 U.S.C. 103(a) as being

unpatentable over Hanway (US 6671726, filed 23 June 1999), and further in view of

Bassi et al. (US 5319645, patented 7 June 1999).

As per independent claims 12, Hanway discloses a data submission system,

comprising:

- Communication circuitry for receiving data over the internet from a user (column

    4, lines 6-25: Here, a user creates an email to be sent to a recipient. The email

    is the data, the writer of the email is the user; Abstract)

- A memory for storing routing information for the recipient of the data (column 1,

    line 1- column 2, line 29: Here, the well known system for email is described. An

    email contains an email address of a recipient. The data is then transferred from

the immediate memory of a computer to the network. The network then

accesses routing tables to deliver the email to the recipient)

- Processing circuitry for sending data regarding the received data to the one or
  more recipients of the data in accordance with the routing data (column 7, lines
  1-63)

Hanway does not specifically disclose wherein the data sent to a recipient is

specification data to be tested. However, Bassi discloses use of specification data to be

tested (column 1, lines 10-24). It would have been obvious to one of ordinary skill in the

art at the time of the applicant's invention to have combined Bassi with Hanway, since it

would have allowed a user to minimize the time required for testing by dividing the

processing between multiple processes (Bassi: column 5, lines 45-66). Further, it was

well known in the art at the time of the applicant's invention that video game

specifications were a subset of programs requiring testing for correctness. It would

have been obvious to one of ordinary skill in the art at the time of the applicant's

invention to have combined video games with Bassi and Hanway, since it would have

allowed a user to minimize the time required for game testing by dividing the game

processing between multiple processes (Bassi: column 5, lines 45-66).

As per dependent claim 14, Hanway and Bassi disclose the limitations similar to

those in claim 12, and the same rejection is incorporated herein. Hanway discloses a

user at a remote terminal (column 3, lines 65-67). Bassi further discloses allowing

access to the status of the data at a terminal (column 6, line 64- column 7, line 37). It

would have been obvious to one of ordinary skill in the art at the time of the applicant's

invention to have combined Bassi with Hanway, since it would have allowed a remote

user to obtain status data (Bassi: column 7, lines 16-37).

As per dependent claim 15, Hanway and Bassi disclose the limitations similar to

those in claim 12, and the same rejection is incorporated herein. Hanway further

discloses notification of the receipt of data (column 4, lines 45-57: Here, the terminal

provides an indication of receipt of data, flashing lights or ejection of disk).

As per dependent claim 16, Hanway and Bassi disclose the limitations similar to

those in claim 12, and the same rejection is incorporated herein. Bassi further discloses

wherein the data comprises program or specification data (column 1, lines 10-24). It

would have been obvious to one of ordinary skill in the art at the time of the applicant's

invention to have combined Bassi with Hanway, since it would have allowed a user to

transmit data for testing to a recipient capable of testing the data.

As per independent claim 17, Hanway discloses a server submission system, the

server comprising:

- Communication circuitry configured to permit remote access to the server over

    the internet (column 3, lines 65-67; Abstract)

- A processing system (column 1, line 1- column 2, line 29)

- A data submission application executed by remote access to a server to enter

    data to submit to a recipient (column 7, lines 1-63)

Hanway does not specifically disclose wherein the data sent to a recipient is

specification data to be tested. However, Bassi discloses use of specification data to be

tested (column 1, lines 10-24). It would have been obvious to one of ordinary skill in the

art at the time of the applicant's invention to have combined Bassi with Hanway, since it would have allowed a user to minimize the time required for testing by dividing the processing between multiple processes (Bassi: column 5, lines 45-66). Further, it was well known in the art at the time of the applicant's invention that video game specifications were a subset of programs requiring testing for correctness. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined video games with Bassi and Hanway, since it would have allowed a user to minimize the time required for game testing by dividing the game processing between multiple processes (Bassi: column 5, lines 45-66).

Hanway further discloses a user at a remote terminal (column 3, lines 65-67), but fails to disclose accessing the status of the data at a terminal. Bassi further discloses allowing access to the status of the data at a terminal (column 6, line 64- column 7, line 37). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Bassi with Hanway, since it would have allowed a remote user to obtain status data (Bassi: column 7, lines 16-37).

5.   Claims 18-21 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Yankovich et al. (US 6704906, filed 27 March 1999), and further in view of Bassi. As per independent claim 18, Yankovich discloses a computer readable medium storing instructions executable by a processing system to control a submission system server for submitting data to:

- Generate one or more interactive forms that are remotely accessible via a communication network, the interactive forms comprising data fields for inputting characteristics of data (column 1, lines 34-67: Here, a form is generated (see lines 65-67). Further, the user inputs data into the electronic form viewable through a web browser)

- Receive via the communication network the data characteristics input to the interactive forms (column 1, lines 34-67) along with corresponding data (column 2, line 58- column 3, line 22)

- Automatically route the received data characteristics in accordance with a routing list to one or more recipients (column 1, lines 34-67)

Yankovich fails to specifically disclose wherein the data is video game testing data. However, Bassi discloses submission of specification data to be tested (column 1, lines 10-24). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Bassi with Yankovich, since it would have allowed a user to minimize the time required for testing by dividing the processing between multiple processes (Bassi: column 5, lines 45-66). Further, it was well known in the art at the time of the applicant's invention that video game specifications were a subset of programs requiring testing for correctness. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined video games with Bassi and Yankovich, since it would have allowed a user to minimize the time required for game testing by dividing the game processing between multiple processes (Bassi: column 5, lines 45-66).

As per dependent claim 19, Yankovich and Bassi disclose the limitations similar to those in claim 18, and the same rejection is incorporated herein. Yankovich further discloses storing the data characteristics and the data in the same storage device (column 2, line 58- column 3, line 22: Here, the data is submitted within the form with the data characteristics. Therefore, they are both stored in the location the form is stored).

As per dependent claim 20, Yankovich and Bassi disclose the limitations similar to those in claim 18, and the same rejection is incorporated herein. Bassi further discloses allowing access to the status of the data at a terminal (column 6, line 64- column 7, line 37). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Bassi with Yankovich, since it would have allowed a remote user to obtain status data (Bassi: column 7, lines 16-37).

As per dependent claim 21, Yankovich and Bassi disclose the limitations similar to those in claim 18, and the same rejection is incorporated herein. Yankovich discloses receiving form data over a network (column 1, lines 6-9). However, Yankovich fails to specifically disclose the network being the Internet. However, it was well known at the time of the applicant's invention that the Internet was a global network allowing users from all over the world to exchange data. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have used the Internet as the network of Yankovich, since it would have allowed users from all over the world to submit data to populate forms for proper routing of the data.

6.   Claim 22 remains rejected under 35 U.S.C. 103(a) as being unpatentable over

Yankovich and Bassi and further in view of Pennell et al (US 6910179, filed 9 November

1999, hereafter Pennell).

         As per dependent claim 22, Yankovich and Bassi disclose the limitations similar

to those in claim 18, and the same rejection is incorporated herein. Yankovich fails to

specifically disclose validating the data input to one or more data fields. However,

Pennell discloses extracting data as input to one or more data fields (column 3, line 26-

column 4, line 8). It would have been obvious to one of ordinary skill in the art at the

time of the applicant's invention to have combined Pennell with Yankovich, since it

would have allowed a user to save time by automatically fill in data fields.

7.   Claim 23 remains rejected under 35 U.S.C. 103(a) as being unpatentable over

Yankovich, Bassi, Pennell, and further in view of Dipaolo et al. (US 5367619, patented

22 November 1994, hereafter Dipaolo).

         As per dependent claim 23, Yankovich, Bassi, and Pennell disclose the

limitations similar to those in claim 22, and the same rejection is incorporated herein.

Yankovich fails to specifically disclose generating an indicia indicative of the failure to

validate data input into one or more data fields. However, Dipaolo teaches generating

an indicia indicative of the failure to validate data input into one or more data fields

(column 41, lines 44-47). It would have been obvious to one of ordinary skill in the art at

the time of the applicant's invention to have combined Dipaolo with Yankovich, since it

would have allowed a user to easily determine whether the data was properly

submitted.

Response to Arguments

8.   Applicant's arguments filed 22 January 2008 have been fully considered but they

are not persuasive.

The applicant's initial argument is that the prior art fails to disclose submission of

video game data for reviewing and testing (page 1). However, the examiner respectfully

disagrees. Hanway discloses the method of submitting data via a network (column 2,

line 62- column 3, line 1). Specifically, e-mails are used to transfer data from one user

to another user. Although Hanway fails to disclose the transferred data being a video

game program or specification data, Bassi discloses program specification data to be

tested (column 1, lines 10-24). It would have been obvious to one of ordinary skill in the

art at the time of the applicant's invention to have combined Bassi with Hanway, thereby

allowing for the transmission, via a network, of specification data to be tested.

The applicant further argues that the prior art of record fails to disclose video

game data (page 2). While Bassi fails to specifically disclose that program data may be

a video game program, it was notoriously well known in the art at the time of the

applicant's invention that video games are a subset of all computer programs.

Therefore, if Bassi teaches testing of program data, it follows that video game programs

may be similarly tested, as video game programs fall within the classification of

programs.

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Murden ("Software giant in Glasgow jobs boost," 16 May 1996): Discloses

software game testing.

Zito ("Not All Fun and Games: Testers get paid to play new software titles- over

and over," 8 May 2000): Discloses testing of video game programs for bugs.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to KYLE R. STORK whose telephone number is (571)272-

4130. The examiner can normally be reached on Monday-Friday (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kyle R Stork   /Stephen S. Hong/
Examiner   Supervisory Patent Examiner, Art
Art Unit 2178   Unit 2178

krs